THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TAKEN UP WRIT PETITION NO.22732 OF 2007

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Date: 19.11.2007

Between:

Smt. Allampalli Lakshmi … Petitioner

And

The Station House Officer,
I Town Police Station, Nellore
and others. … Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

The telegram dated 17.10.2007 sent by the petitioner, who is the wife of the alleged detenu Allampalli Ganesh to the Hon'ble the Chief Justice of this Court alleging that on 14.10.2007 the Circle Inspector of Police (Central Crime Station), Nellore and some Police Constables came to her house with regard a false case registered against her husband in which he was already granted bail by the II Additional Judicial Magistrate of I Class, Nellore, and took him into illegal custody and, therefore, she apprehends torture of her husband and false implication, was taken up as a writ petition.

In response to the rule nisi, the 2nd respondent – Inspector of Police, Central Crime Station, Nellore filed a counter-affidavit denying the illegal detention of the alleged detenu on 14.10.2007. It is

averred that the alleged detenu is arrayed as an accused in Crime No. 199 x 187 of 2007 for the offences punishable under Sections 406 and 420 IPC of I Town (Crime) Police Station, which was registered on 31.8.2007 on the complaint given by one Arcot Dakshina Murthy. The alleged detenu surrendered himself before the II Additional Judicial First Class Magistrate, Nellore on 31.8.2007 and on such surrender he was remanded to judicial custody and was lodged in Central Prison, Nelloore and later he was enlarged on bail on 7.9.2007 subject to the condition that he shall appear before the 1st respondent on every Monday between 10.00 a.m. to 12.30 p.m. Subsequently by order-dated 25.10.2007 the learned Magistrate relaxed the conditions imposed on 7.9.2007.

From the above it is clear that the alleged detenu was initially arrested by the police and was remanded to judicial custody by a lawful order passed by the competent Magistrate and later he was released on bail. In view of the same, the allegation in the telegram sent by the petitioner that the alleged detenu was kept in illegal detention cannot be countenanced. The Writ Petition is, therefore, dismissed.

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A. GOPAL REDDY, J

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19th November, 2007 **NOOTY RAMAMOHANA RAO, J**

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